

AMENDED IN SENATE APRIL 22, 2010

SENATE BILL

No. 1212

Introduced by Senator Leno

February 18, 2010

An act to add Chapter 5.5 (commencing with Section 108667) to Part 3 of Division 104 of the Health and Safety Code, relating to cellular telephones.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as amended, Leno. ~~Cell phones:~~ *Cellular telephone devices:* specific absorption rate disclosure.

Existing law regulates the labeling requirements for various consumer products.

This bill would require specific language relating to the specific absorption rate, as defined, to be included at the point of sale, on the exterior packaging, and in the instruction manuals of cellular telephone devices, as defined, that are sold in the State of California.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Four billion people around the globe own cell phones. As
4 the market for new devices has grown, so have concerns about the
5 safety of cell phone ~~radiation~~ *radiofrequency energy*.

6 ~~(b) Recent studies find significantly higher risks for brain and~~
7 ~~salivary gland tumors among people using cell phones for 10 years~~

1 or longer. The state of the science is provocative and troubling,
2 and much more research is essential.

3 (e)

4 (b) While the science is incomplete about cell phone safety,
5 consumers have a right to know how much ~~radiation~~
6 *radiofrequency energy* their cell phones emit as measured by the
7 specific absorption rate (SAR).

8 (d)

9 (c) Given children's smaller head sizes, they may be more
10 susceptible to ~~radiation~~ *radiofrequency energy* effects than adults.

11 (e)

12 (d) More adolescents are using cell phones and hands-free
13 devices as our society becomes more mobile.

14 (f)

15 (e) The SAR values of phones can be confusing and several
16 models have different values for different "modes" of cellular
17 telephone devices.

18 (g)

19 (f) There is growing public concern about the long-term health
20 effects of exposure to cell phone ~~radiation~~ *radiofrequency energy*
21 and the effects that ~~radiation~~ *radiofrequency energy* can have on
22 both the head and the body.

23 (h)

24 (g) Cell phones are an important tool of communication,
25 especially during times of emergency, and the government should
26 ensure that wireless devices are safe for long-term use.

27 SEC. 2. Chapter 5.5 (commencing with Section 108667) is
28 added to Part 3 of Division 104 of the Health and Safety Code, to
29 read:

30
31 CHAPTER 5.5. CELLULAR TELEPHONE DEVICES

32
33 108667. For purposes of this chapter the following definitions
34 shall apply:

35 (a) "Cellular telephone device" means either a cellular telephone
36 or a hands-free device that emits at least 0.001 W/kg (*watts per*
37 *kilogram*) of ~~radiation~~ *radiofrequency energy*, including, but not
38 limited to, hands-free devices used in combination with a cellular
39 telephone. "Cellular telephone device" includes products that are
40 shipped from the manufacturer or that have been reconditioned by

1 the manufacturer or someone authorized by the original
2 manufacturer. “Cellular telephone device” does not include
3 products that are sold, either new or used, by a person not
4 authorized by the manufacturer.

5 (b) “Hands-free device” means a wireless device used when
6 placing or receiving a call on a cellular telephone device that emits
7 at least 0.001 W/kg ~~amount of radiation~~ *of radiofrequency energy*.

8 (c) “Specific absorption rate” or “SAR” means the highest
9 detected value averaged over one gram of tissue in the shape of a
10 cube. The standard unit of peak spatial average SAR is the watt
11 per kilogram (W/kg). The SAR value to be used for disclosure
12 pursuant to this chapter is the SAR value reported to the Federal
13 Communications Commission (FCC) by the manufacturer.

14 108667.3. (a) The SAR for a cellular telephone device that is
15 available for purchase by the public in the state shall be
16 prominently displayed by the seller immediately adjacent to the
17 displayed purchase price. This provision applies to both physical
18 retail locations and ~~retailer’s~~ *retailers’* Internet Web sites. The
19 following phrase shall be clearly printed: “This device emits
20 ~~radiation~~ *radiofrequency energy*. The federal specific absorption
21 rate (SAR; a measure of ~~radiation~~) *radiofrequency energy*) limit
22 is _____. This device emits a maximum of _____ when held at the
23 ear and a maximum of _____ when attached to the body.”

24 (b) The retailer for hands-free devices designed to be used with
25 cellular telephone devices shall list the maximum SAR value, as
26 reported to the FCC, when the device is worn as directed by the
27 telephone manufacturer.

28 108667.5. The following phrase shall be printed on the exterior
29 of the packaging or on a label attached to the exterior packaging
30 of all cellular telephone devices sold in the state: “This device
31 emits ~~radiation~~ *radiofrequency energy*. The federal specific
32 absorption rate (SAR; a measure of ~~radiation~~) *radiofrequency*
33 *energy*) limit is _____. This device emits a maximum of _____ when
34 held at the ear and a maximum of _____ when attached to the body.”

35 108667.7. The maximum SAR value, as reported to the FCC
36 by the manufacturer, for each mode of use of the cellular telephone
37 device for the head and body shall be included in all instruction
38 manuals packaged and sold with the cellular telephone device,
39 including the following phrase: “This device emits ~~radiation~~
40 *radiofrequency energy*. The federal specific absorption rate (SAR;

- 1 a measure of ~~radiation~~) *radiofrequency energy*) limit is _____. When
- 2 used in mode _____ this device emits a maximum of _____ per 1
- 3 gram of tissue when held at the head and a maximum of _____ per
- 4 1 gram of tissue when attached to the body.”